

APPROVED: Meeting No. 10-81

ATTEST: *Brian M. Heneghan*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
MEETING NO. 9-81

March 23, 1981

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday, March 23, 1981, at 8:00 p.m.

PRESENT

Mayor pro-tem John Freeland
Councilman Steve Abrams
Councilwoman Phyllis Fordham
Councilman John Tyner
(arrived at 8:30 p.m.)

ABSENT

Mayor William E. Hanna, Jr.
(on travel leave)

The Mayor pro tem in the Chair.

In attendance: City Manager Larry Blick; City Clerk Helen Heneghan; City Attorney Roger Titus; Assistant City Manager Daniel Hobbs; Assistant City Attorney Paul Glasgow; Director of Finance John Lawton; Director of Recreation and Parks Ronald Olson; Director of Planning James M. Davis; Chief of Police Jared Stout.

Re: City Manager's Report

Mr. Blick reported the following:

1. In Annapolis, the highway user bill is being acted upon by the Senate this evening; the state aid to police bill has passed the House; the duplicate taxation bill has been reported out of committee; the municipal infractions law has passed the Senate; and the express powers of municipalities has passed the Senate and is on its second reading.
2. The City has issued a building permit for a seven story building of 132,000 square feet to be erected at 1803 Research Boulevard for the American Trading Company at a cost of \$5 million.

Re: Resolution to provide for
public hearing in connection with
Annexation Petition, X-84-81,
Montrose West Limited Partnership -
Seven Locks Road

Resolution No. 9-81

On motion of Councilwoman Fordham, duly seconded and unanimously passed, Resolution No. 9-81, the full text of which can be found in Resolution Book No. 7 of the Mayor and Council, providing for public hearing for annexation X-84-81, was adopted by the Mayor and Council.

Re: Introduction of Resolution: To
enlarge the corporate boundaries
of the City of Rockville, Montrose
West Limited Partnership - Seven
Locks Road

On motion of Councilman Abrams, there was introduced upon the table a Resolution to enlarge the corporate boundaries of the City of Rockville, Montrose West Limited Partnership. A public hearing on the annexation will be held on May 11.

Re: Approval of Contract for Sale
of Land, Redgate, Lot 3, Block A

William M. Rickman has submitted a "Contract of Sale" to purchase Lot 3, Block A within Red Gate at a price of \$221,580. Lot 3 is a 63,308 square foot parcel located at the southeast corner of Taft Court and Gude Drive.

If accepted by the Mayor and Council, Mr. Rickman will make a deposit in the amount of \$22,158 and settlement will then be held on or before August 31, 1982. Any building to be constructed on the property will be subject to review and approval by the City.

Mr. Phillip R. Lamb, MAI, recently appraised Lot 3 at a fair market value of \$3.50 per square foot which has been established as the sale price in the proposed contract. It is recommended that the Mayor and Council approve the sale of Lot 3, Block A to William M. Rickman at a price of \$221,580.

On motion of Councilman Abrams, duly seconded and unanimously passed, the Mayor and Council approved the sale of Lot 3, Block A to William M. Rickman at a price of \$221,580.

Re: Decision and Instructions to staff
re Text Amendment Application, T-42-8

The subject application proposes amendments to Section 3-201 and Section 3-308 of the planning and zoning ordinance. The amendments will expand the

amount and types of retail and commercial uses allowed in the O-1 office building zone. A public hearing was held on March 9, 1981.

On motion of Councilwoman Fordham, duly seconded and unanimously passed, staff was authorized to prepare the necessary legal documentation to grant the application.

Re: Decision Instructions to staff
re Street Closing Applications,
SCA-30-80, SCA-31-80, SCA-32-80
and SCA-33-80.

The applications to close and abandon public ways deal with Oak Avenue, Bridge Street, High Street, Church Street and Halpine Avenue. The closings were requested by the Washington Metropolitan Area Transit Authority and were the subject of public hearings on March 9.

Councilwoman Fordham asked the City Manager if matters had been worked out with WMATA concerning the Frederick Avenue pedestrian overpass. The City Manager said they seemed to be in order.

On motion of Councilwoman Fordham, duly seconded and unanimously passed, staff was instructed to prepare the necessary legal documentation to grant the street closings, but to hold their introductions until such times as other matters are worked out with WMATA.

Re: Approval of storm water
management waiver - Lakewood -
Lutheran Home

In response to a February 18, 1981 request from the Lutheran Home the Committee met on March 9, 1981 and recommended that the Mayor and Council allow the Lutheran Home to provide for its storm water management in a pond, which it will design, construct and maintain on privately owned land on the golf course. Such a structure would be constructed in a manner acceptable to the Golf Club, the City and the Montgomery Soil Conservation District. Easements and covenants would be recorded in the Land Records for access to and over the storm water detention structure for inspection and to provide for perpetual maintenance thereof.

In effect this facility would serve the needs of a greater area than that of the Lutheran Home. It will not require C.I.P. funds for maintenance and it will provide a pond which has been in the Golf Course Master Plan for some time.

Staff recommends the Mayor and Council permit the Lutheran Home to proceed with the construction. The City Manager explained the need for this facility and recommended that the Mayor and Council approve it. Councilman Abrams asked if the staff is preparing amendments to the storm water ordinance at this time that would handle such a need in the future. The City Manager said the City Attorney's office has a heavy work load at this time so he does not know when the amendments will be ready. Councilman Abrams asked how long it will take for the Council to deal with the problem once it comes from the attorneys. The City Manager explained that it would only take about two weeks. Councilman Abrams suggested that the ordinance changes be made a priority in the attorneys' office so that they can be done as soon as possible.

On motion of Councilman Abrams, duly seconded and unanimously passed, the Mayor and Council approved the storm water management waiver for the Lutheran Home.

Re: Authorization to bring professional
touring groups to Rockville

Since September 1980, a committee led by June Allen has met several times to develop a plan to bring professional arts touring groups to perform in the City of Rockville's Civic Center Auditorium. The committee was made up of June Allen; Dan Kiernan of the Washington, D.C. Arts Council; Bob Peters, the Civic Center Supervisor; Betty Cheslosky, Arts Supervisor; Mike Critzer, Stage Technician, and Ronald Olson, Director of Recreation and Parks. A number of exciting possibilities came out of the numerous contacts and discussions that were held.

Mr. Olson introduced June Allen and Dan Kiernan to the Mayor and Council. Ms. Allen, with a series of charts, explained the subscription series proposal whereby persons would pay a lump sum amount which would entitle them to attend a fixed number of performances out of a large number. She explained an exciting public relations program that would include brochures, mailing lists, advertising, and the use of a public relation consultant to design and execute the plan. She included four categories of the performing arts: dance, theatre, classical music and opera. She then went on to explain how the existing Rockville arts group - Rockville Little Theater, Rockville Muscial Theater, Street 70, the Civic Ballet, the Concert Band and the Community Chorus - would work in and be part of the program. Among the groups selected to perform, if the details can be worked out, are the Baltimore Symphony, the Joffrey II Ballet, the McCarter

Theatre Company, the Annapolis Brass Quintet, the Folger Consort, and the Boys Choir of Harlem.

The Mayor and Council were quite enthusiastic about Ms. Allen's program. Councilwoman Fordham and Councilman Abrams talked about the excellence of the proposal and its timeliness. Councilwoman Fordham said she was sorry Mayor Hanna is not here to share the proposal. Ms. Allen said she had explained the program to the Mayor before he left the country and he had approved wholeheartly.

At this time, Councilman Tyner joined the meeting and Ms. Allen repeated her presentation for his benefit.

On motion of Councilwoman Fordham, duly seconded and unanimously passed, the Council approved the proposal.

Re: Adoption of Ordinance: To
grant Text Amendment Application
T-40-80

Ordinance No. 6-81

On motion of Councilman Tyner, duly seconded and unanimously passed, Ordinance No. 6-81, the full text of which can be found in Ordinance Book No. 10 of the Mayor and Council, granting text amendment application, T-40-80, was approved by the Mayor and Council.

Re: Adoption of Ordinance: To
grant Map Amendment Application
M-26-80

Ordinance No. 7-81

On motion of Councilwoman Fordham, duly seconded and unanimously passed, Ordinance No. 7-81, the full text of which can be found in Ordinance Book No. 10 of the Mayor and Council, granting map amendment application, M-26-80, was approved by the Mayor and Council.

Re: Approval of testimony
to Montgomery County of
Proposed Operating Budget

Councilman Freeland explained that the County has worked out a formula to reimburse municipalities for services. This year \$1.5 million is all that is included in the budget instead of the \$2 million that should be paid. Councilman Tyner noted that 96 percent of the duplicate services problem between county and municipalities has been solved. Councilman Abrams said he would give the testimony on April 1 if arrangements can be made. There being no objection from the Council, the testimony was approved.

Re: Citizen's Forum

Mayor pro-tem Freeland opened the meeting to those citizens who wished to address the Mayor and Council.

1. Bernard Rabin. Mr. Rabin protested the passage of text amendment application T-40-80, since, in his observation, there was very little support for the deletion of beauty culture as a home occupation. Mayor pro-tem Freeland explained to Mr. Rabin the problems over the past 15 years in neighborhoods with applications for beauty parlors in the home and he then pointed out the discrepancy that exists between state and municipal law and the need to rectify that. Councilman Tyner agreed and further explained that the text amendment was a result of a board of appeals' request since there was a problem with the discrepancy between state and city law. Mr. Rabin thanked the Council for the explanation.

2. Joseph Scott, 1202 Clagget Drive. Mr. Scott told the Council that for the past two weeks no work has been done on the Edmonston Drive Bridge. The lack of this thoroughfare causes a serious problem to those people in the Rockcrest neighborhood and in its present state there is no way it can be finished by the June 1 promised date. The City Manager was instructed to talk to WMATA officials to ascertain the problem and find out when a solution could be worked out.

There being no other citizen wishing to be heard, the Mayor pro-tem closed the citizen's forum portion of the meeting.

Re: Argument on Appeal from decision
of the Rockville Planning Commission
in connection with Detailed Appli-
cation, PRU-5F-80, for Planned
Residential Unit, New Mark
Commons, CEBCO, Inc., Applicant

The Mayor and Council heard arguments on an appeal from a decision from the Rockville Planning Commission in connection with detailed application PRU-5F-80, and heard those persons as will be found in the official stenographic transcript of the appeal. The Mayor pro-tem announced that the Mayor and Council would take the matter under advisement and will announce a decision at the earliest possible date.

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. L. Nichols, re Academy rezoning
2. Congressman Barnes, re budget reductions to National Science Foundation
3. Maryland Historical Trust re grant application

Re: Information Items

The Mayor and Council noted the following items of information:

1. Current project report from Director of Recreation and Parks
2. Memo from City Manager re sign report
3. Memo from Assistant City Manager re carpool/van assistance
4. Memo re ad for sale of B&O station
5. Copy of County Executive's memo re solid waste management

Re: New Business

1. Councilman Tyner suggested that the street closing application ordinances requested from the staff this evening be withheld from an agenda until the city's differences with WMATA are solved. Councilwoman Fordham said it does not make a great deal of difference to WMATA and it would seem a better course of action to work with them instead of against them. Mayor pro-tem Freeland reiterated his earlier request to the City Manager that the staff go to WMATA and attempt to get the Edmonston Drive bridge opened.

Re: Executive Session

On motion of Councilman Abrams, duly seconded and unanimously passed, the meeting was closed for executive session to discuss litigation.

Re: Adjournment

There being no further business to come before the Council in executive session, the meeting was adjourned at 11:15 p.m. to convene again in general session on Monday, April 13, at 8:00 p.m. or at the call of the Mayor.